

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

JOHN MEYER,

Plaintiff,

vs.

BIG SKY RESORT,

Defendants.

CV-18-02-BU-BMM

ORDER

The parties have filed Joint Motions in Limine (Doc. 140) by which they request the Court to enter an Order *in limine* excluding from the first phase of trial in this matter all reference to, evidence of, or argument concerning the following:

1. All ski accidents at Big Sky that occurred after Meyer's December 11, 2015 ski wreck;
2. Personal attacks on counsel for either party, including attacks concerning any alleged impropriety in scheduling or attempting to schedule Meyer's deposition;
3. The number of lawyers, paralegals, and/or assistants working on behalf of Big Sky;
4. Referring to Big Sky as "McIntosh";
5. The complaint Meyer made to the Montana State Bar Commission on Practice and/or the Office of Disciplinary Counsel against counsel for Big Sky, Ian

McIntosh, including any claim that McIntosh is “being investigated” by the Commission on Practice or Office of Disciplinary Counsel;

6. Any settlement offers exchanged between the parties, including any correspondence concerning such settlement offers;

7. Big Sky’s abuse of process counterclaim against Meyer, including Meyer’s allegation that Big Sky’s counterclaim is a Strategic Lawsuit Against Public Participation or a “SLAPP suit”; and

8. Any party or witness’s sexual orientation, gender identity, gender expression, and/or personal opinion(s) about LGBTQ+ persons.

The parties agree that all reference to, evidence of, or argument concerning these categories of evidence should be excluded from the first phase of trial in this matter in accordance with the Federal Rules of Evidence (“Rules”), including Rules 402, 403, and 408.

Having reviewed the parties’ Joint Motions in Limine and good cause appearing therefore in accordance with the parties’ agreement and the Federal Rules of Evidence, the parties’ Joint Motions in Limine (Doc. 140) is hereby GRANTED.

All reference to, evidence of, or argument concerning the above categories of evidence shall be excluded from the first phase of trial in this matter. If during trial either party believes that the opposing party has opened the door to any of the

above categories of evidence, the party will request a bench conference to address the issue with the Court before referring to or introducing any excluded evidence.

DATED this 17th day of March, 2020.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge